

FIRST REGULAR SESSION

# HOUSE BILL NO. 930

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES FLANIGAN (Sponsor), DAVIS, WHITE,  
LANT AND REIBOLDT (Co-sponsors).

2196H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 33.080 and 360.045, RSMo, and to enact in lieu thereof three new sections relating to rebuilding damaged infrastructure, with a penalty provision and an emergency clause.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 33.080 and 360.045, RSMo, are repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 33.080, 33.295, and 360.045, to read as follows:  
33.080. **1.** All fees, funds and moneys from whatsoever source received by any  
2 department, board, bureau, commission, institution, official or agency of the state government  
3 by virtue of any law or rule or regulation made in accordance with any law, excluding all funds  
4 received and disbursed by the state on behalf of counties and cities, towns and villages shall, by  
5 the official authorized to receive same, and at stated intervals of not more than thirty days, be  
6 placed in the state treasury to the credit of the particular purpose or fund for which collected, and  
7 shall be subject to appropriation by the general assembly for the particular purpose or fund for  
8 which collected during the biennium in which collected and appropriated. The unexpended  
9 balance remaining in all such funds (except such unexpended balance as may remain in any fund  
10 authorized, collected and expended by virtue of the provisions of the constitution of this state)  
11 shall at the end of the biennium and after all warrants on same have been discharged and the  
12 appropriation thereof has lapsed, be transferred and placed to the credit of the [ordinary] **general**  
13 revenue fund of the state by the state treasurer. Any official or any person who shall willfully  
14 fail to comply with any of the provisions of this section, and any person who shall willfully  
15 violate any provision hereof, shall be deemed guilty of a misdemeanor; provided, that all such

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 money received by the curators of the University of Missouri except those funds required by law  
17 or by instrument granting the same to be paid into the seminary fund of the state, is excepted  
18 herefrom, and in the case of other state educational institutions there is excepted herefrom, gifts  
19 or trust funds from whatever source; appropriations; gifts or grants from the federal government,  
20 private organizations and individuals; funds for or from student activities; farm or housing  
21 activities; and other funds from which the whole or some part thereof may be liable to be repaid  
22 to the person contributing the same; and hospital fees. All of the above excepted funds shall be  
23 reported in detail quarterly to the governor and biennially to the general assembly.

24 **2. Notwithstanding any provision of law to the contrary concerning the funds listed**  
25 **in subdivisions (1) and (2) of this subsection, the amount specified for each fund listed in**  
26 **subdivisions (1) and (2) of this subsection shall be transferred and placed to the credit of**  
27 **the rebuild damaged infrastructure fund created in section 33.295 on July 1, 2013. The**  
28 **funds subject to the provisions of this subsection and the amount of the transfer are as**  
29 **follows:**

30 **(1) Insurance-dedicated fund established under section 374.150, ten million dollars;**  
31 **(2) Lewis and Clark discovery fund established under section 173.392, the balance**  
32 **in the fund on June 30, 2013.**

**33.295. 1. There is hereby established the “Rebuild Damaged Infrastructure**  
2 **Program” to provide funding for the reconstruction, replacement, or renovation of, or**  
3 **repair to, any infrastructure damaged by a presidentially declared natural disaster in any**  
4 **home rule city with more than forty-seven thousand but fewer than fifty-two thousand**  
5 **inhabitants and partially located in any county of the first classification with more than**  
6 **one hundred fifteen thousand inhabitants, including, but not limited to, the physical**  
7 **components of interrelated systems providing essential commodities and services to the**  
8 **public, including transportation, communication, sewage, water, and electric systems as**  
9 **well as public elementary and secondary school buildings.**

10 **2. There is hereby created in the state treasury the “Rebuild Damaged**  
11 **Infrastructure Fund”, which shall consist of money appropriated or collected under this**  
12 **section. Any amount to be transferred to the fund on July 1, 2013, pursuant to subsection**  
13 **2 of section 33.080 and subsection 2 of section 360.045, in excess of fifteen million dollars**  
14 **shall be instead transferred to the state general revenue fund. The state treasurer shall be**  
15 **custodian of the fund and may approve disbursements from the fund in accordance with**  
16 **sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for**  
17 **the purposes of this section. Any moneys remaining in the fund at the end of the biennium**  
18 **shall revert to the credit of the general revenue fund. The state treasurer shall invest**

19 **moneys in the fund in the same manner as other funds are invested. Any interest and**  
20 **moneys earned on such investments shall be credited to the fund.**

21 **3. The provisions of this section shall expire on June 30, 2014.**

360.045. 1. The authority shall have the following powers together with all powers  
2 incidental thereto or necessary for the performance thereof:

3 (1) To have perpetual succession as a body politic and corporate;

4 (2) To adopt bylaws for the regulation of its affairs and the conduct of its business;

5 (3) To sue and be sued and to prosecute and defend, at law or in equity, in any court  
6 having jurisdiction of the subject matter and of the parties;

7 (4) To have and to use a corporate seal and to alter the same at pleasure;

8 (5) To maintain an office at such place or places in the state of Missouri as it may  
9 designate;

10 (6) To determine the location and construction of any facility to be financed under the  
11 provisions of sections 360.010 to 360.140, and to construct, reconstruct, repair, alter, improve,  
12 extend, maintain, lease, and regulate the same; and to designate a participating health institution  
13 or a participating educational institution, as the case may be, as its agent to determine the  
14 location and construction of a facility undertaken by such participating health institution or  
15 participating educational institution, as the case may be, under the provisions of sections 360.010  
16 to 360.140, to construct, reconstruct, repair, alter, improve, extend, maintain, and regulate the  
17 same, and to enter into contracts for any and all of such purposes including contracts for the  
18 management and operation of the facility;

19 (7) To lease to a participating health institution or a participating educational institution,  
20 as the case may be, the particular health or educational facility or facilities, as the case may be,  
21 upon such terms and conditions as the authority shall deem proper; to charge and collect rent  
22 therefor; to terminate any such lease upon the failure of the lessee to comply with any of the  
23 obligations thereof; to include in any such lease, if desired, provisions that the lessee thereof  
24 shall have options to renew the term of the lease for such period or periods at such rent as shall  
25 be determined by the authority or to purchase any or all of the particular leased facility or  
26 facilities; and, upon payment of all of the indebtedness incurred by the authority for the financing  
27 of the facility or facilities, to convey any or all of such facility or facilities to the lessee or lessees  
28 thereof. Every lease agreement between the authority and an institution must contain a clause  
29 obligating the institution not to use the leased land, nor any facility located thereon, for sectarian  
30 instruction or study or as a place of religious worship, or in connection with any part of the  
31 program of a school or department of divinity of any religious denomination; to insure that this  
32 covenant is honored, each lease agreement shall allow the authority to conduct inspections, and

33 every conveyance of title to an institution shall contain a restriction against use for any sectarian  
34 purpose;

35 (8) To issue its bonds, notes, or other obligations for any of its corporate purposes and  
36 to refund the same, all as provided in sections 360.010 to 360.140;

37 (9) **To transfer assets of the authority to the rebuild damaged infrastructure fund**  
38 **created in section 33.295;**

39 (10) To fix and revise from time to time and make and collect rates, rents, fees, and  
40 charges for the use of and services furnished or to be furnished by any facility or facilities or any  
41 portion thereof and to contract with any person, firm, or corporation or other body, public or  
42 private, in respect thereof; except that the authority shall have no jurisdiction over rates, rents,  
43 fees, and charges established by a participating educational institution for its students or  
44 established by a participating health institution for its patients other than to require that such  
45 rates, rents, fees, and charges by such an institution be sufficient to discharge the institution's  
46 obligations to the authority;

47 [(10)] (11) To establish rules and regulations for review by or on behalf of the authority  
48 of the retention or employment by a participating health institution or by a participating  
49 educational institution, as the case may be, of consulting engineers, architects, attorneys,  
50 accountants, construction and finance experts, superintendents, managers, and such other  
51 employees and agents as shall be determined to be necessary in connection with any such facility  
52 or facilities and for review by or on behalf of the authority of all reports, studies, or other  
53 material prepared in connection with any bond issue of the authority for any such facility or  
54 facilities. The costs incurred or to be incurred by a participating health institution or by a  
55 participating educational institution in connection with the review shall be deemed, where  
56 appropriate, an expense of constructing the facility or facilities or, where appropriate, shall be  
57 deemed an annual expense of operation and maintenance of the facility or facilities;

58 [(11)] (12) To receive and accept from any public agency loans or grants for or in aid of  
59 the construction of a facility or facilities, or any portion thereof, or for equipping the same and  
60 to receive and accept grants, gifts, or other contributions from any source;

61 [(12)] (13) To mortgage or pledge all or any portion of any facility or facilities, including  
62 any other health or educational facility or facilities conveyed to the authority for such purpose  
63 and the site or sites thereof, whether then owned or thereafter acquired, for the benefit of the  
64 holders of the bonds of the authority issued to finance such facility or facilities or any portion  
65 thereof or issued to refund or refinance outstanding indebtedness of a private health institution  
66 or a private institution of higher education as permitted by sections 360.010 to 360.140;

67 [(13)] (14) To make loans to any participating health institution or participating  
68 educational institution, as the case may be, for the cost of any facility or facilities in accordance

69 with an agreement between the authority and such participating health institution or participating  
70 educational institution, as the case may be; except that no such loan shall exceed the total cost  
71 of such facility or facilities as determined by the participating health institution or participating  
72 educational institution, as the case may be, and approved by the authority;

73       [(14)] (15) To make loans to a participating health institution or participating educational  
74 institution, as the case may be, to refund outstanding obligations, mortgages, or advances issued,  
75 made, or given by the institution for the cost of its facility or facilities, including the power to  
76 issue bonds and make loans to a participating health institution or participating educational  
77 institution, as the case may be, to refinance indebtedness incurred for facilities undertaken and  
78 completed prior to or after September 28, 1975, whenever the authority finds that the financing  
79 is in the public interest, alleviates a financial hardship upon the participating health institution  
80 or participating educational institution, as the case may be, and results in a lesser cost of patient  
81 care or cost of education and a saving to third parties, including state or federal governments, and  
82 to others who must pay for the care or education;

83       [(15)] (16) To inspect any and all facilities assisted by the authority in any way to enforce  
84 the prohibition against sectarian or religious use at any time; and

85       [(16)] (17) To do all things necessary and convenient to carry out the purposes of  
86 sections 360.010 to 360.140.

87       **2. Notwithstanding any provision of law to the contrary, including section 360.115,**  
88 **the authority shall transfer four million dollars of its assets to the rebuild damaged**  
89 **infrastructure fund created in section 33.295 on July 1, 2013.**

Section B. Because of the necessity to provide funding for the reconstruction,  
2 replacement, or renovation of, or repair to, any infrastructure damaged by a presidentially  
3 declared natural disaster, section A of this act is deemed necessary for the immediate  
4 preservation of the public health, welfare, peace and safety, and is hereby declared to be an  
5 emergency act within the meaning of the constitution, and section A of this act shall be in full  
6 force and effect upon its passage and approval.

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